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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

REGIONAL MEDICAL CENTER OF SAN  
JOSE,

Plaintiff,

v.

WH ADMINISTRATORS, INC., et al.,

Defendants.

Case No. [5:17-cv-03357-EJD](#)

**ORDER DENYING MOTIONS FOR  
ATTORNEYS' FEES WITHOUT  
PREJUDICE**

Re: Dkt. Nos. 71, 72, 73, 74

Plaintiff Regional Medical Center of San Jose (“RMC”) filed this action seeking reimbursement for medical services from Defendants The Phia Group, LLC (“Phia”), WH Administrators, Inc. (“WH”), Benefit Administrative Systems, LLC (“BAS”), and RHC Management Co., LLC (“RHC LLC”) and RHC Management Health & Welfare Trust (the “Plan”) (together, “RHC”). On December 20, 2017, the Court dismissed RMC’s first two causes of action under ERISA § 502(a)(1)(B) without leave to amend. Dkt. No. 69. It also declined to exercise supplemental jurisdiction over RMC’s remaining state law claims. *Id.* Each Defendant now separately moves for attorneys’ fees and costs. Dkt. Nos. 71, 72, 73, 74. Shortly after Defendant filed their motions, Plaintiff appealed the Court’s decision to the Court of Appeals for the Ninth Circuit. Dkt. No. 77.

“There is a ‘well established’ principle that ‘[d]istrict courts have inherent power to control their dockets.’” *United States v. W.R. Grace*, 526 F.3d 499, 509 (9th Cir. 2008) (quoting *Atchison, Topeka & Santa Fe Ry. Co. v. Hercules Inc.*, 146 F.3d 1071, 1074 (9th Cir. 1998)). Here, in light of the appeal and the issues raised by the parties in their fees motions, the Court finds it most

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1 appropriate to delay its consideration of these requests until after the Court of Appeals has ruled  
2 on Plaintiff's appeal. Accordingly, each Defendant's motion is DENIED WITHOUT  
3 PREJUDICE. If the Court of Appeals affirms the Court's decision, Defendants may refile their  
4 motions within 60 days of the Court of Appeals' mandate.

5 **IT IS SO ORDERED.**

6 Dated: May 4, 2018

7   
8 EDWARD J. DAVILA  
9 United States District Judge